

35.C11250 CI



PATENT APPLICATION

#15/for re:  
Abandonment  
I filed  
1-29-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MANABU KATO

Application No.: 08/951,635

Filed: October 17, 1997

For: SCANNING OPTICAL  
APPARATUS

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Examiner: D. Schuberg

Group Art Unit: 2872

October 30, 1998

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GROUP 2100

The Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST FOR WITHDRAWAL OF  
ERRONEOUSLY ISSUED NOTICE OF ABANDONMENT

Sir:

Applicant has received from the U.S. Patent and Trademark Office ("PTO") an erroneous Notice of Abandonment, dated October 13, 1998, in the above-referenced application. The Notice, copy attached, indicates a failure to timely pay the issue fee. Applicant requests the Examiner to withdraw this erroneous Notice for the following reasons:

1. On August 24, 1998, the issue fee due date, Applicant filed a Continued Prosecution Application (CPA) Request Transmittal, rather than paying the issue fee. Enclosed is a re-executed copy of the CPA, along with a copy of the stamped postcard received from the PTO verifying the filing of the CPA on August 24, 1998.

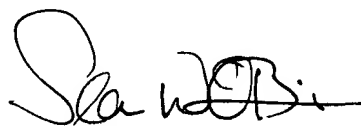
2. Since the CPA request was filed on the issue fee due date, the subject application should not have been abandoned. Accordingly, Applicant requests

that the Notice of Abandonment be withdrawn and that the subject application be returned to pending status. Applicant also requests consideration of the Preliminary Amendment and the Letter Transmitting Corrected Drawings filed on September 16, 1998.

3. Applicant believes that no fee is due in connection with the filing of this paper. Nevertheless, the Assistant Commissioner is authorized to charge any required fee to deposit account number 06-1205. A duplicate of this paper is submitted for that purpose.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

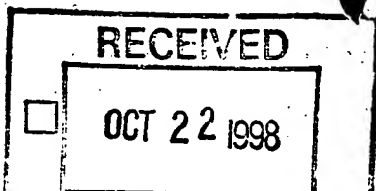


Attorney for Applicant

Registration No. 37689

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F508\W168552\SWO\bj



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	08/951,635	FILED DATE	10/17/97	FIRST NAMED APPLICANT	KATO	ATTORNEY DOCKET NO.	M 35.011250C01
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SWD  
30/11/2001  
Err. G. Kato  
CPA Kato

EXAMINER
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ART UNIT	PAPER NUMBER
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SCHUBERG E.A

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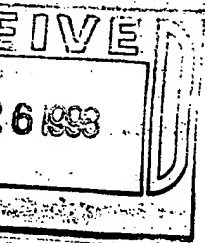
DATE MAILED: 10/13/98

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)



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- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
  - ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_
  - ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_
  - ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
  - ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_
  - ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
  - ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

Diane Terry  
Allowed Files Branch  
703-305-0233

Assistant Commissioner for Patents  
Washington, D.C. 20231

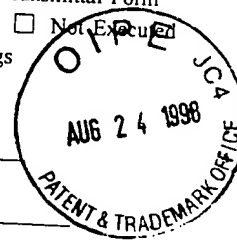
Date 8 12 98  
Mo. Day Yr.

Atty. Docket 35C11250CI  
CPA of 08/95/035

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Specifications, claims and abstract \_\_\_\_\_ pages, with Transmittal Form  
☐ Oath or Declaration and Power of Attorney ☐ Executed ☐ Not Executed  
☐ \_\_\_\_\_ Sheets of \_\_\_\_\_ formal \_\_\_\_\_ informal drawings  
☒ Check for \$ 1196.00 (filing fee)  
☐ Small entity declaration  
☐ Assignment, PTO-1595 and Check for \$ \_\_\_\_\_  
☒ Transmittal Under 37 CFR 1.53(d) (CPA)  
☐ Petition under 37 CFR 1.136 and check for \$ \_\_\_\_\_  
☐ Other (specify) \_\_\_\_\_



by placing your receiving date stamp hereon and mailing or returning to deliverer.  
This is a ☒ Continuation ☐ Divisional ☐ Continuation-In-Part

Atty. SWD/ij

Due Date 8 12 98  
Mo. Day Yr.

37 CFR 1.8 ☐  
37 CFR 1.10 ☐  
By Hand ☒

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